

Truro Board of Selectmen
Meeting Minutes – July 22nd, 2014
Truro Town Hall, 4:30 p.m.

Members Present: Jay Coburn-Chair, Paul Wisotzky-Vice Chair, Jan Worthington-Clerk, Robert Weinstein, and Maureen Burgess

Others Present: Co-Acting Town Administrator Robert Lawton, Attorney E. James Veara, Attorney Jack Dolan

Chair Jay Coburn called the meeting to order at 4:30 p.m.

At 4:30pm Coburn moved that the Board of Selectmen enter into Executive Session in accordance with the provisions of Massachusetts General Law, Chapter 30A, 21(a) number (3) to discuss strategy relative to collective bargaining, whereas discussion of these matters in open session would have a detrimental effect on the bargaining position of the Town and to reconvene in regular session. Wisotzky seconded the motion.

Worthington requested that the discussion be pursued in Open Session. Worthington noted that if the Board of Selectmen are discussing changing the negotiating teams it should be done in Open Session since it applies to the Charter. Weinstein responded to Worthington that he had no issue with the discussion taking place in Executive Session but if the Charter is being interpreted in a different way that change and discovery should be done in a public session. Coburn explained that it is not a change in the Charter but rather how the negotiations are going to be carried out for collective bargaining. Worthington still felt that it was an interpretation of the Charter that needed to be done publicly and until the Charter is changed it should be followed. Weinstein tried to reassure Worthington that the Charter is not being rewritten. He noted that there is a paragraph in the Charter related to the team in which the team should have the power to appoint the negotiator with the Selectmen having the ultimate authority. Worthington commented that changing the process would be changing the way they negotiate. Coburn reiterated that there was a motion to move into Executive Session and they should move forward with the vote. Wisotzky asked why the discussion of the Charter couldn't be done in open session and it would be helpful if everyone heard that information.

At 4:40pm Roll Call Vote: Robert Weinstein, aye; Maureen Burgess, aye; Jay Coburn, aye; Paul Wisotzky, nay; Jan Worthington, nay. Motion was approved 3-2-0.

At 5:23p.m. the Board of Selectmen reconvened in Open Session.

Public Comment Period

Coburn advised the members of the public that the Board of Selectmen's strategy regarding collective bargaining contracts with Town Counsel and Labor Counsel took action consistent with the Town's Charter.

Christopher Lucy came before the Board of Selectmen to discuss not being appointed to the Pamet Harbor Commission. He stated that one reason that he was not appointed was due to his actions at a ZBA meeting regarding a Special Permit. He explained that he contacted the State Ethics Commission to ask for a transcript of his conversation regarding determination of a conflict of interest. There was no transcript but a written determination¹ was sent to Mr. Lucy suggesting that there was no conflict of interest in his involvement with the applicant before the Zoning Board of Appeals. He said that he did

this in effort to clear his name. The letter from the State Ethics Commission was entered into the record.

Discussion of Hiring Process for Truro Fire and Rescue Department

Wisotzky spoke of the transition from the Board of Fire Engineers to the current stage of the Fire department reviewing and revising the hiring policies and procedures². Mr. Loomer stated that a solid application and policy and procedure have been drafted and thanked the Police Chief for assisting. Weinstein cited corrections to be made on the policy on pages 1-4. Weinstein asked Attorney Dolan to speak to the first sentence in the policy, "It is the policy of the Truro Fire Department to conduct the process of recruitment and selection in full compliance with the law and the highest ethical standards". Attorney Dolan explained the applicants would be appointed by the Board of Selectmen and all laws against discrimination in the employment process were followed. He added that the job description for Fire Fighter states what certification is required. He read aloud an FAQ from the website on the MA Fire training Council, noting that there is no State law requiring fire service personnel to become certified in Massachusetts, it is on a voluntary basis and local Fire departments may require some level of certification. Training for those that will be routinely fighting fires is a goal of the department within the job description.

Attorney Dolan also spoke of CORI checks and potentially looking at credit reports. He stated that he drafted a consent form for a consumer credit report. Wisotzky also spoke of updating the drug policy. Attorney Dolan stated that the policy before them does anticipate pre-employment as well as random drug screening, but the policy is something that needs updating. There was a discussion as to whether the applications or the policy needed to be voted on by the Board of Selectmen. It was determined that internal Fire department policies do not need a vote of the Board of Selectmen. Chief Davis mentioned that the department is distributing flyers for recruitment. Wisotzky pointed out that the new applicants have completed the new job applications.

Quarterly report from the Truro Police Department

Police Officer Appointment and Offer Letter of Conditional Employment

Chief Takakjian stated that all the Police Officers have been working very hard and their in-service has been completed³. Chief Takakjian spoke of the increase in funding for police training and the slight savings generated. He stated that the Public Safety Facility project for the lightning protection has been completed. Lieutenant Danziger and Officer Bayer participated in the National Police Week in Washington DC in memory of Officers killed in the line of duty. Chief Takakjian stated that the 2nd Truro Citizen Police Academy took place. There are two people attending the Police Academy in the fall. He stated that there are two telecommunicator appointments before the Board of Selectmen tonight. Sergeant Holoway will be the department's medical liaison officer for use of Nerve Agent Antidotes in Accordance with the Controlled Substance Act with in house training to follow to implement the NARCAN kits to treat narcotic drug overdoses. He explained that the two new officers will have completed all training by March 2015.

Chief Takakjian spoke of the appointment and Conditional Offer of Employment⁴ for Paul McGlynn. He gave a brief explanation of Mr. McGlynn's background in law enforcement. Chief Takakjian requested that his conditional offer of employment be authorized. **Wisotzky moved to offer conditional employment as Police Officer and Authorize the Chair to sign. Burgess seconded the motion. So voted unanimously 5-0.**

Discussion of Legal Services user survey and request for qualifications

Wisotzky explained that there was a survey⁵ conducted on Town Counsel services a few months ago and was sent to approximately 15 users of Town Counsel. The users were identified as Committee and Board Chairs with around 10 surveys being returned. **Wisotzky moved to appoint two members of the Board of Selectmen to meet with Town Counsel to go over the survey. Weinstein seconded the motion.** Burgess explained that she did an analysis⁶ of the survey. She explained in detail her findings based on the survey noting that the ratings suggested 74% were positive and 26% were negative about Town Counsel's services. Coburn reiterated that there was a motion on the floor. Burgess questioned if the Board of Selectmen were on the same page on how to proceed. Weinstein stated that he would be happy to go over the survey with Town Counsel. **So voted unanimously 5-0.** Coburn stated that he would be a part of that team that spoke with Town Counsel along with Weinstein.

Mr. Lawton explained the process that was used in the Town of Yarmouth and he would assist with the bid if the Board of Selectmen decided to move forward with procuring legal service⁷. Coburn suggested that an RFQ come from other firms including Truro's Town Counsel. Worthington stated that she had no issue with Town Counsel and she was not happy about doing the survey and voiced that she was not interested in looking for another Attorney. Weinstein stated that he felt that it was incumbent upon the Board of Selectmen to follow through with the process. He stated that Truro's legal expenditures are very high. Wisotzky stated that this process is very similar to other processes that the Board of Selectmen has done such as the Waste Disposal Contract. Coburn agreed that there should be a contract with legal counsel. Worthington questioned if Town Counsel was ever asked for a contract. Burgess noted that the team's conversation with Town Counsel could segue into a discussion on looking into a contract for legal services. Wisotzky concurred that there is awkwardness and reflected on the timing but felt it was in the best interest of the town to have this conversation. Worthington stated that there needed to be respect for a long term employee. Coburn felt that this was a normal matter of course and not exceptional. Weinstein cited that legal services were a goal of the Board of Selectmen. There was a debate as to whether Town Counsel was aware of the discussions of legal services. **Wisotzky moved that the Board of Selectmen with the assistance of the Town Administrator develop a RFQ (Request for Quotes) for Town Counsel Services. Weinstein seconded the motion.** Mr. Lawton stated that he would have an RFQ for the Board of Selectmen to approve and then send to firms that practice municipal law. He added that they need to make a policy decision if they choose to look on the Cape or throughout the State. There was a discussion that once the RFQ was approved to then determine how to distribute it. **So voted: 4-1-0; Worthington opposed.**

Town Administrator Search Committee Update and consideration of whether to pay for travel expenses for candidates

Worthington stated that there are 58 applications in total and the Town Administrator Search Committee has narrowed the 58 applications to 15 applicants. She added that the Committee hopes to bring candidates forward in the first weeks of August. The question arose as to whether to fund travel expenses for candidates. She explained that the Committee was split on this issue of providing lodging and airfare. There was a brief discussion that this was the busy time of year to find lodging on the Cape that is reasonably priced. Wisotzky felt that offering travel expenses showed respect for the applicant's skills and would give a sense of professionalism. It was noted that there be only one trip allowed for the finalists. Coburn explained that eight people would be interviewed by the Search Committee and from those eight; five would go before the Board of Selectmen. Mr. Lawton suggested if the applicant is travelling from outside of New England, the travel expenses should be covered, but the Town should only reimburse the one time.

Update on Wage and Classification Study

Mr. Lawton explained that the Human Resources Services Inc. did not finish the job descriptions by April. The job descriptions were completed in late June and Department heads had until July 18th to review them. Mr. Lawton explained that the job descriptions are close to being completed at which time they will be returned to the consultant for a proposed salary and wage schedule. It was agreed that the process needs to be completed prior to negotiations. Mr. Lawton stated that he hoped to have something more concrete for the Board of Selectmen on August 12th. He added 20% of the job descriptions need to be returned. Mr. Lawton stated that he is working on details of the two positions that work with the Administrator and the Board of Selectmen. Coburn stressed the importance of the Department heads having finished all job descriptions and it should be emphasized that this be a top priority for them since it affects negotiations. Wisotzky stated that he found it troubling that the consulting firm was behind in their work and found it to be a serious performance issue. Mr. Lawton explained his understanding of Human Resources Services Inc job performance and why it may have fell behind schedule.

Consent Agenda

- 1) Review and Approve Meeting Minutes- July 8th Regular & Executive⁸
- 2) Release of May 7th & June 3rd, 2014 Approved Executive Session Minutes
- 3) Declaration of Surplus property-Truro Police Department⁹
- 4) Review and Approve Lower Cape Ambulance Contract¹⁰
- 5) Review, Approve and Authorize Chair to Sign Contracts for:
 - a. Truro Chamber Contract¹¹
 - b. Motorcycle Lease with Truro Police Department¹²
 - c. FY15 -911 Training & Emergency Medical Dispatch Director Quality Assurance Grant¹³
 - d. Lease & Service Agreements Copy Machines Town Hall & TCC w/RPB Systems¹⁴
- 6) Appointment of Tom Bow to Beach Commission¹⁵
- 7) Part-time Telecommunicator Appointments-Lisa Maria Tobia and Heather Pinargote¹⁶
- 8) Approve removal of Alan Efromson from Board of Appeals due to residency requirement¹⁷
- 9) Reappointments to Boards and Committees (Parker Small-Shellfish Advisory Committee, Janice Allee-ZBA Appointment, Kevin Kuechler-Provincetown Water & Sewer Board)¹⁸
- 10) Approval of revoking the August 16, 1963 list of Special Municipal Employees¹⁹ {Board of Assessors, Planning Board, Zoning Board of Appeals, Truro School Committee, Cemetery Commission, Board of Library Trustees, Finance Committee, Recreation Commission, Clerical Employees, Cal Fire Fighters, Registrar of Voters, Board of Health, Conservation Commission, Charter Review Committee, Town Administrator Review Committee, and Town Moderator }
- 11) Recreation Department Employees exemption from MGL 268A §20²⁰ {Sara Akbari, Zach Cowing, Katie Snow, Austin Smith, and Megan Mittal }
- 12) Approval of Bike and Road Race Application-American Lung Association²¹ (9/28)
- 13) Review and Approve One Day Alcohol License for Pamet Harbor Yacht Club ²²(7/26)
- 14) Review and Approve Entertainment Licenses (One Day):
 - a. Truro Historical Society²³ (7/24, 7/30, 8/11, 9/12)
 - b. First Parish Congregational Church²⁴ (7/15, 7/25, 7/29, 8/23)
- 15) Approve Use of Town Property- Friends of the Truro Meeting House- Town Hall Parking lot²⁵ (7/5, 7/24, 8/21, 9/20)
- 16) Fire Department Appointments: Laytin Reis and Aubrey Gordon²⁶

It was explained to Worthington that the Charter Review applications would be on the August 12th agenda. There was a brief discussion on vacancies on the Zoning Board of Appeals. Wisotzky asked

that the Lower Cape Ambulance contract contain the language “gender identity” in Section L Miscellaneous Provisions #9.

Weinstein questioned the vote of the Chamber of Commerce Board. It was explained that the approved vote of the Board was available in with the last meeting packet. He spoke of the motorcycle lease being extravagant for the department when the cost to lease could be used for other purposes such as vehicle repair or training. It was decided to vote on the motorcycle lease contract separately. Weinstein asked for and received the amount (14,285.71K) on the 911 Training and EMDDQA Grant for FY15. Weinstein asked to add Town Moderator to the list of Special Municipal employees. **Worthington moved to approve the Consent Agenda as amended for July 22nd with the exception of 5b (Motorcycle lease). Wisotzky seconded the motion. So voted unanimously 5-0.**

Weinstein stated his concerns about the motorcycle lease for the police department. He felt between its limited ability and use in inclement weather, the cost to maintain it and personnel training for it; it was indicative of extravagance for the department. **Worthington moved to approve the motorcycle lease. Wisotzky seconded the motion. So voted 4-1-0. Weinstein opposed.**

Update on Fiscal Year 2015 Goals and Objectives

Mr. Lawton explained the updates on the Goals and Objectives. He added that he transcribed a separate memo regarding the Audit Management Letter for FY12 & 13²⁷. The Town Accountant explained to Mr. Lawton that many things have been accomplished in the management letter from the auditors. He spoke of the physical inventory of the Capital assets. Coburn went through each Goal to see if there were any questions regarding the information provided by Mr. Lawton. He explained to Wisotzky the use of the Dropbox program for packets and the website integrating the Board of Selectmen packets through the same account with safety measures in place.

Selectmen Reports and Liaison Reports

Weinstein – He stated that the Friends of the Truro Library group are installing the approved free book boxes around Truro. The free book boxes are available to the public with no cost to the town and if they are successful this year they will be implemented again next year.

Burgess- She stated that she attended the MOU III working group for the Herring River Restoration project. She explained that the Herring River Executive Council was proposed with the question to each town if two members from each Town’s Board of Selectmen be involved or is one member adequate. This request would be present at the next Board of Selectmen meeting. Next, Burgess explained that the Bike and Walkways Committee is involved with the Cape Cod Commission in an 18 month project to reroute the Claire Saltonstall Bikeway through an extension on the Cape Rail Trail.

Coburn- Nothing to report.

Wisotzky- Spoke of the Transfer Station Office hours with Worthington. He thanked Paul Morris and DPW staff for their assistance with tables and chairs. He added that he would like to integrate office hours at the Community Center and Library for future dates.

Next Meeting Agenda: August 12, 2014²⁸

Renewal of Common Victualer food license for Babe’s restaurant, Truro Treasures review of Use of Town Property, Truro Treasures Use of Town property-Car show and One Day Alcohol License; Application to serve for Gary Palmer and John Snow to fill a vacancy on the Charter Review Committee; Land Management Agreement with the Pamet Harbor Commission; Designating a work period for the Fire Department; DECAMM Standard Contractor Evaluation; Review MGL 130 §98 regarding the appointment of the Shellfish Constable/Harbor Master and review the language of the

appointment; Discussion of Herring River Restoration MOU III working group town representation; Discussion of developing a non-discrimination policy for all town contracts.

Town Administrator

Mr. Lawton mentioned that a laminated card has been developed for parking in the Pamet Harbor Parking lot and once signs are in place that should assist with parking availability in the lot.

Public Comment

Stan Sigel came before the Board of Selectmen to speak of his concerns with the Highland House se Museum. He stated that he recently attended the annual meeting of the Friends of the Highland House Museum. There was a recent building inspection done by Truro’s Building Commissioner which entailed many building code violations and his concern due to the artifacts kept on location. The Highland House museum is in the process of negotiating with the Park Service. He stated concern over the cost to fix the items cited by the Building Commissioner. Mr. Sigel added that the Museum needs the town’s assistance. He expressed his wish for a fundraiser for all Truro citizens to attend in order to purchase land for the museum to keep it separate from the Park Service. Mr. Sigel noted some conditions set by the Park Service including the requirement to maintain the restroom facilities. Coburn stated that since this was not on the agenda there can be no discussion amongst the Board of Selectmen. He asked Burgess as liaison to the National Seashore to research if any of the issues raised by Mr. Sigel fell under the purview of the Board of Selectmen and to place it on a future agenda.

At 7:27pm Wisotzky moved to adjourn the meeting. Worthington seconded the motion. So voted unanimously: 5-0.

Respectfully submitted,
Nicole Tudor, Board of Selectmen Secretary

Jay Coburn, Chairman

Paul Wisotzky, Vice-Chairman

Janet W. Worthington, Clerk

Robert Weinstein

Maureen Burgess
Board of Selectmen
Town of Truro

¹ State Ethics Commission letter to Christopher Lucy Dated June 24, 2014
² Revised Fire department employment application and hiring policy

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- ³ Chief Takakjian Quarterly report for June 30, 2014
 - ⁴ Conditional Offer of Employment Paul McGlynn
 - ⁵ Town Counsel Survey results
 - ⁶ Burgess analysis of Town Counsel Survey
 - ⁷ Lawton Memo for legal services July 10, 2014 and Town of Yarmouth New Counsel Survey for New Counsel in 2009
 - ⁸ Review and Approve Meeting Minutes- July 8th Regular & Executive
 - ⁹ Memo from Chief Takakjian for Declaration of Surplus property-Truro Police Department
 - ¹⁰ Lower Cape Ambulance Contract
 - ¹¹ FY15 Truro Chamber of Commerce Contract
 - ¹² TPD Motorcycle Lease with Seacoast Harley Davidson
 - ¹³ FY15 -911 Training & Emergency Medical Dispatch Director Quality Assurance Grant
 - ¹⁴ Lease & Service Agreements Copy Machines Town Hall & TCC w/RPB Systems
 - ¹⁵ Application to serve-Tom Bow Beach Commission
 - ¹⁶ Appointment slips Part-time Telecommunicator-Lisa Maria Tobia and Heather Pinargote
 - ¹⁷ Email from Alan Efromson to the Board of Selectmen
 - ¹⁸ Applications to serve for reappointments
 - ¹⁹ Bob Lawton memo to BoS Special Municipal Employees July 16,2014, and 1963 list
 - ²⁰ Bob Lawton memo to BoS Interest Exemptions July 10, 2014 and signed statements from employees
 - ²¹ Application for Bike and Road Race American Lung Association
 - ²² One Day Alcohol License Application for Pamet Harbor Yacht
 - ²³ Entertainment Licenses Application (One Day) Truro Historical Society
 - ²⁴ Entertainment Licenses Application (One Day) First Parish Congregational Church
 - ²⁵ Approve Use of Town Property- Friends of the Truro Meeting House- Town Hall Parking lot
 - ²⁶ Fire Department applications for Laytin Reis and Aubrey Gordon
 - ²⁷ Bob Lawton memo to BoS Re: Audit Management Letter FY12 &13 dated July 16, 2014
 - ²⁸ Next Meeting Agenda items (August 12th)